

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35574 of 2016

Arising Out of PS.Case No. -133 Year- 2015 Thana -KADWA District- KATIHAR

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Md. Khairul @ Khairuddin @ Md. Khairuddin S/o Md. Taimur R/o Rounia
Malikpur, P.S Kadwa, Distt Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. S. Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

5 17-11-2016 Heard both sides.

The petitioner apprehends his arrest in Kadwa P.S. Case No. 133/2015, registered for the offences punishable under Sections 366A, 376 and 372 of the Indian Penal Code and Section 4 of the P.O.C.S.O. Act.

The informant filed a complaint petition on 09.09.2015 alleging therein that while she along with her cousin were going to school, Md. Khairul (petitioner) put handkerchief over her mouth. The petitioner along with other accused persons kidnapped them and took to Bengal. She further alleged that she and her sister repeatedly raped by the accused persons. The accused persons shifted her to Katihar on 27.06.2015 and they fled away from there.

Learned counsel for the petitioner submits that the occurrence took place on 10.06.2015. The victims were released

from the captivity of the petitioner on 27.06.2015, but the complainant filed complaint petition on 09.09.2015, on the basis of which the present F.I.R. was lodged. The petitioner was apprehended by the Malda police on 21.06.2015 and he was released on 03.07.2015 by the order of the court. The victim did not explain the reason for lodging the case after two and half months from the date of her release. It is submitted that the petitioner is next door neighbour of the complainant and for some ulterior motive the complainant has filed this case.

Considering the facts aforesaid and the fact that of course the complainant/informant is minor, but she was released on 27.06.2015, but she filed complaint case on 09.09.2015 and the doctor did not find any sign of rape on the victim, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar in connection with Kadwa P.S. Case No. 133/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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